

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LINDELL SWINSON,)	
)	
v. Plaintiff,)	Civil Action No. 07-26 Erie
)	
DEPARTMENT OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM JUDGMENT ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on February 21, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, dated October 16, 2009 [124], recommends that the Defendants' Motion for Summary Judgment [118] be granted. The parties were given 10 days in which to file objections to the Report and Recommendation. Plaintiff filed his objections [126] on November 27, 2009.

After de novo review of the complaint and documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 3rd day of December, 2009;

IT IS ORDERED that the Defendants' Motion for Summary Judgment [118] be, and hereby is, GRANTED. JUDGMENT is hereby entered in favor of Defendants Lt. Palko and Sgt. W. Christopher and against Plaintiff Lindell Swinson.

The Report and Recommendation of Magistrate Judge Baxter, dated October 16, 2009 [124], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN
Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter